

Application No. 09/991,774
Response to Office Action

Customer No. 01933

Amendments to the Drawings:

Fig. 8B has been amended to replace "CONNECTION PROCESSING"
with "COMMUNICATION PROCESSING" as required by the Examiner.

Attachment: Annotated Sheet Showing Changes
 Replacement Sheet

R E M A R K S

Reconsideration of this application, as amended, is respectfully requested.

ALLOWABLE SUBJECT MATTER

The Examiner's indication of the allowability of the subject matter of claims 12 and 13 is respectfully acknowledged.

Claim 11 has been amended to incorporate the allowable subject matter of claim 12, and claim 13 has been amended to depend from claim 11. In addition, claims 11 and 13 have been amended only to make some minor grammatical improvements and to correct some minor antecedent basis problems so as to put them in better form for issuance in a U.S. patent. The informalities pointed out by the Examiner have been corrected.

No new matter has been added, and no new issues with respect to patentability have been raised.

Accordingly, it is respectfully submitted that amended independent claim 11 and claim 13 depending therefrom are now in condition for immediate allowance.

THE TITLE

The title has been amended to more clearly indicate the nature of the invention to which the claims are directed, as required by the Examiner.

THE SPECIFICATION

The specification has been amended to correct some minor informalities of which the undersigned has become aware, including all of the informalities errors pointed out by the Examiner.

No new matter has been added, and it is respectfully requested that the amendments to the specification be approved and entered and that the objection to the specification be withdrawn.

THE DRAWINGS

It is respectfully pointed out that ① in Fig. 3B leads to ① in Fig. 5. Accordingly, it is respectfully submitted that Fig. 5 fully complies with the requirements of 37 CFR 1.83(b).

Fig. 8B has been amended to begin with "COMMUNICATION PROCESSING," instead of "CONNECTION PROCESSING" as required by the Examiner.

Submitted herewith are a corrected sheet of formal drawing which incorporates the amendment and an annotated sheet showing the changes made thereto.

No new matter has been added, and it is respectfully requested that the Examiner's objection to the drawings be withdrawn.

THE CLAIMS

Claims 1, 9 and 10 have been amended to incorporate the subject matter of (now canceled) claim 2.

In addition, claim 5 has been amended to be rewritten in independent form, and claim 6 has been amended to depend from claim 5.

Still further, claims 1 and 3-10 have been amended to make some minor clarifying amendments and to make some minor grammatical improvements and to correct some minor antecedent basis problems so as to put the claims in better form for issuance in a U.S. patent.

No new matter has been added, and it is respectfully requested that the amendments to the claims be approved and entered.

It is respectfully pointed out, moreover, that "objective data" is described in the specification at page 20 as being, for example, web page data. And it is noted that the specification has been amended at page 15, lines 6-10 to clarify that objective data is data that is an object of transmission/reception. In addition, it is respectfully pointed out that "sub data" is described at page 20, line 23 to page 24, line 7 as being, for example, image data in a web page.

It is respectfully submitted that claims 1-10, as amended, and in view of the disclosure in the specification, fully comply

with the requirements of 35 USC 112, and it is respectfully requested that the rejection thereunder be withdrawn.

CLAIM FEE

The application was originally filed with 13 claims of which 4 were independent, and the appropriate claim fee was paid for such claims. The application now contains 9 claims, of which 5 are independent. Accordingly, a claim fee in the amount of \$200 for the addition of 1 extra independent claim is attached hereto. In addition, authorization is hereby given to charge any additional fees which may be determined to be required to Account No. 06-1378.

THE PRIOR ART REJECTION

Claims 1, 5, 7, 9 and 10 were rejected under 35 USC 103 as being obvious in view of the combination of USP 5,577,100 ("McGregor et al") and USP 6,453,029 ("Campbell"); claims 2 and 6 were rejected under 35 USC 103 as being obvious in view of the combination of McGregor et al, Campbell and USP 6,137,872 ("Davitt et al"); and claim 11 was rejected under 35 USC 103 as being obvious in view of the combination of McGregor et al, Campbell and USP 6,658,485 ("Baber et al"). These rejections, however, are respectfully traversed with respect to the claims as amended hereinabove.

As recognized by the Examiner, McGregor et al discloses a mobile phone having an accounting function.

However, as acknowledged by the Examiner on pages 4-5 of the Office Action, McGregor et al does not disclose measuring the transmitted/received data amount, judging whether or not the data amount has reached a specified data amount, or warning the user when it is judged that the data amount has reached the specified data amount. And as acknowledged by the Examiner, McGregor et al does not disclose temporarily suspending transmission/reception of the data to be transmitted/received, when it is judged that the data amount has reached the specified data amount, and resuming or terminating transmission/reception of data according to instructions of the user.

The Examiner has cited Campbell for the disclosure of recognizing a start and end of transmission/reception, measuring a transmitted/received data amount, judging whether a specified data amount has been transmitted/received and warning the user.

It is respectfully pointed out, however, that Campbell merely relates to a managing a system in which calls are paid for with a prepaid card or debit card, whereby remote servers store accounts of customers, and whereby when the remote server accessed by a customer does not have their account, the account is received from another server. According to Campbell, debit

cards are managed using account balance and rate billing information.

By contrast, it is respectfully pointed out that the claimed present invention relates to data transmission and reception, which is different from customer management based on account balance and rate billing as disclosed by Campbell. And it is respectfully submitted that Campbell does not disclose, teach or suggest measuring a transmitted/received data amount, and warning the user when it is judged that the data amount has reached the specified data amount, in the manner of the present invention as recited in amended independent claims 1, 5, 9 and 10.

In addition, as acknowledged by the Examiner, Campbell also does not disclose temporarily suspending transmission/reception of the data to be transmitted/received, when it is judged that the data amount has reached the specified data amount, and resuming or terminating transmission/reception of data according to instructions of the user, as recited in amended independent claims 1, 9 and 10. For this reason, the Examiner has cited Davitt et al to supply the missing teachings of McGregor et al and Campbell.

Davitt discloses a telephone service combining a pre-paid card and calling card, wherein calls can be continued by increasing the amount set in the pre-paid card in advance when the set amount is reached.

However, it is respectfully submitted that increasing the amount in a pre-paid calling card does not at all correspond to measuring a transmitted/received data amount, warning the user when it is judged that the data amount has reached the specified data amount, temporarily suspending transmission/reception of the data to be transmitted/received, when it is judged that the data amount has reached the specified data amount, and resuming or terminating transmission/reception of data according to instructions of the user, in the manner of the present invention as recited in amended independent claims 1, 9 and 10.

Still further, it is respectfully submitted that Baber et al, which was cited only with respect to now allowable claim 11, also does not disclose, teach or suggest the above described features of the present invention as recited in amended independent claims 1, 5, 9 and 10.

In view of the foregoing, it is respectfully submitted that the present invention as recited in amended independent claims 1, 5, 9 and 10, as well as claims 3, 4 and 6 respectively depending therefrom, clearly patentably distinguishes over McGregor et al, Campbell, Davitt et al and Baber et al, taken singly or in any combination consistent with the respective fair teachings thereof, under 35 USC 103.

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Entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned for prompt action.

Respectfully submitted,

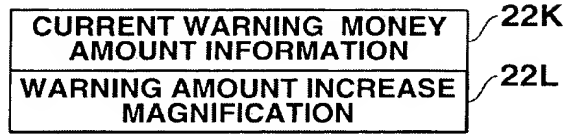
A handwritten signature in black ink, appearing to be 'DH' followed by a stylized flourish.

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FIG.8A



COMMUNICATION **FIG.8B**

